



U.S. Department of Justice

*United States Attorney's Office
Eastern District of New York*

SLR-NAM
F#2009V03159
Ext-respond2.wpd

271 Cadman Plaza East
Brooklyn, New York 11201

March 12, 2010

Honorable Brian M. Cogan
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

SEE ENDORSEMENT ON PAGE 2

Re: Sanderell v. Warden Duke Terell, et al.,
Civil Action No. CV-09-5208 (EDNY)(BMC)

Dear Judge Cogan:

The undersigned respectfully requests that the United States of America's time to respond to the Court's December 8, 2009 Order to Show Cause, be extended from March 15, 2010 to April 15, 2010, in order to complete the parties' non-judicial resolution of this matter. This is the United States second request to extend Defendant's time to respond.

As Your Honor may recall, Plaintiff *Pro Se*, Inmate Christopher Sanderell petitioned the Court for assistance in obtaining a medically prescribed back brace and eye glasses which resolve his current vision issues. The attachments to Plaintiff's Petition also reflect Plaintiff's prior requests to the Bureau of Prisons ("BOP") for footwear insole inserts and a mattress pad. On February 11, 2010, Your Honor extended the United States time to respond to the Court's Order to Show Cause with respect to this case from February 12, 2010 to March 15, 2010, in order to permit the parties an opportunity to pursue an informal, non-judicial resolution to this matter. We are pleased to report to the Court that in the interim, Mr. Sanderell has been issued a back brace, shoe inserts and a special mattress pad. In addition, Mr. Sanderell has undergone a new eye examination and has been given a copy of his new prescription, which he plans to send to his family eye care center to be filled. We have also scheduled Mr. Sanderell for a fasting blood glucose test to rule out diabetes as an alternate cause of the dizziness which he initially associated with the Bureau of Prison issued eyeglasses. The extension of time, requested herein, is necessary to allow processing time for Mr. Sanderell's eyeglass prescription to be filled. Although Mr. Sanderell has agreed to sign the Stipulation of Dismissal once his family health care provider receives the prescription, out of an abundance of caution, we will hold his Stipulation of Dismissal in escrow until he has his new eye glasses in hand.

I have discussed this matter with Plaintiff *Pro Se* Christopher Sanderell, who has consented to this request.

Very truly yours,

BENTON J. CAMPBELL
UNITED STATES ATTORNEY

By:

Nancy A. Miller
Nancy A. Miller
Assistant U.S. Attorney
(718) 254-6031

cc: Christopher Sanderell
Inmate Reg. No. 90979-038
Metropolitan Detention Center
P.O. Box 329002

- 2 -

Brooklyn, New York 11232

Request granted. Response to Order to Show Cause due 4/15/10; pro se plaintiff's reply, if any, due 5/17/10.

SO ORDERED. 3/15/2010 C/M

/Signed by Judge Brian M. Cogan/


U.S.D.J.